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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-sixth session

SUMMARY RECORD OF THE 691st MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 23 January 2001, at 10 a.m.

Chairperson: Ms. MOKHUANE

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CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Palau

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Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.01-40246 (EXT)

The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4)

Initial report of Palau (CRC/C/51/Add.3; CRC/C/Q/PAL/1(list of issues); Written replies of the Government of Palau to the questions in the list of issues (document without a symbol, distributed in the meeting room in English only); HRI/CORE/1/Add.107 (core document))

1. At the invitation of the Chairperson, Mr. Otto (Palau) took a place at the Committee table.

2. Mr. OTTO (Palau) said that his country had been the last United Nations trust territory to gain independence, following the entry into force of the Compact of Free Association with the United States of America on 1 October 1994. In December 1994 the new nation had joined the United Nations, and eight months later it had ratified the Convention on the Rights of the Child, illustrating its concern for child welfare.

3. The preparation of the initial report, to which UNICEF had lent its support, had led the Palauan authorities to realize, in particular, that child welfare required changes in attitudes that were deeply grounded in culture and tradition. In order to implement the Convention, the authorities would also have to offset the lack of funds and infrastructure.

4. Since 19 January 2001, Palau had been headed by a new President, a passionate defender of the rights of children and young people, who had indicated in his inaugural speech that he intended to give priority to family values and child rearing. It was hoped that in the near future the President would create an Office of Child and Family Support, as recommended in the National Plan of Action for Children.

5. Ms. KARP welcomed the fact that the report had been prepared in compliance with the Committee's guidelines and that it contained precise statistical data as well as an in-depth and critical analysis of the situation of children in Palau. The report mentioned both the legislation on child welfare and the country's habits and customs, which illustrated Palau's desire to strike a balance between those two systems of reference. However, although the ancestral way of thinking had guaranteed social cohesion in the past, it did not meet present-day needs, as family structures broke down, members of the extended family were ceasing to care for children in need on the parents' behalf. Palau should have therefore introduced an alternative welfare system to help children deprived of a family environment.

6. Palau was facing a range of social problems, including numerous incidents of discrimination against immigrants, who accounted for 30 per cent of the total population; drug abuse and prostitution resulting from tourism; the emergence of money-laundering activities; a gradual reduction in the financial aid provided by the United States of America in accordance with the Compact of Free Association; and a need to find other sources of income.

7. She welcomed the appointment of new members to the National Committee on Population and Children, including representatives of the Office of the Attorney-General, the judiciary and the Victims of Crime Assistance Programme, but the Committee still lacked the

sufficient financial and human resources to coordinate the implementation of the Convention effectively. Was it enlisting voluntary workers? If so, were those volunteers able to disseminate the text of the Convention and organize training for people who worked with children, despite the lack of funding?

8. According to the provisions of the National Plan of Action for Children, the future Office of Child and Family Support was to act as both secretariat of the Committee on Population and Children and ombudsman for children. It would therefore be responsible not only for coordinating, but also monitoring and evaluating child and family support activities. It did not seem desirable to consolidate all those activities into one single body and, in order to be effective, an ombudsman had to be independent and be able to receive individual complaints from children, which the current Committee structure did not permit.

9. She asked why Palau had not adhered to any international instruments other than the Convention on the Rights of the Child and why it had not ratified the Convention on the Civil Aspects of International Child Abduction or the Convention on Protection of Children and Co-operation in Respect of Inter-Country Adoption.

10. The National Development Plan provided budgetary support for health and education, yet no budget increase was planned for social services for young people. In the light of the current situation, surely it was necessary to develop those services? Lastly, what measures had been planned by the Government to reconcile the fact that customary law conflicted with some provisions of the Convention?

11. Ms. SARDENBERG asked whether the Convention had been incorporated into national law and how the new Government intended to ensure that the provisions of the Convention prevailed over national law, including customary law. It would be useful to have some details on the age of majority, which seemed to vary between 18 and 45 years depending on the situation.

12. Noting that under the Compact of Free Association between Palau and the United States of America, both countries had agreed to cooperate in all issues relating to the State's defence, she asked whether that provision applied to other sectors.

13. In the 1980s, elections had frequently taken place in a climate of violence. For the recent elections, had the authorities managed to create a calmer electoral climate?

14. How did the Palauan social system, which was based on the concept of sharing, cooperation and support within the extended family, contribute to the implementation of the Convention? Did the system allow children to exercise their rights? Although the Council of Chiefs gave advice to the President she wondered whether it actually had the opportunity to participate in the implementation of the Convention. The aim of the National Development Plan was to achieve economic independence and to promote the welfare of the population, but did the Plan contain any provisions relating to children's rights and welfare?

15. Further information would be appreciated on the allocation of functions relating to child welfare between the national Government and the 16 federated states that formed the country.

Were there any social agencies directly responsible for implementing the Convention at state level or was that task assigned to a federal body specifically established for that purpose?

16. Had the Government taken any measures to resolve the problems caused by the high rate of immigration and in particular to prevent discrimination against immigrants?

17. Ms. TIGERSTEDT-TAHTELA noted that, as the United States' trusteeship was being phased out, the need for national resources in Palau was increasing. She asked whether that specific feature of the Palauan economy was taken into consideration in the National Development Plan. In particular she would like to know whether any measures were envisaged to reduce imports and to promote local production, in order to reduce the deficit in the balance of trade and to streamline the federal system, which was apparently too complex and too costly considering the number of inhabitants.

18. She would welcome some details on taxation - which seemed to comprise two systems because both federal and local taxes were levied- and on the planned tax reforms. It would be particularly useful to know who was subject to taxes in the State party, whether tourism was a source of tax revenue and whether foreign, particularly Japanese businesses that were allowed to fish in the territorial waters had to pay a fee.

19. Ms. RILANTONO asked to whom children could channel complaints of violations of their rights, in the absence of an ombudsman. Had a public agency or a non-governmental organization (NGO) been authorized to serve as a focal point and, if not, what would be done to fill the void? That was a particularly important issue, as there appeared to be an increasing rate of mental illness and suicide among young people.

20. She would like to know how customary law defined the child, as legislation did not seem to fix a minimum age for marriage, medical treatment without the parents' consent, employment or sexual consent. Lastly, she would like to know the reason for the decrease in the social budget since 1994.

21. Mr. RABAH would appreciate some details on the mechanisms for disseminating the Convention, particularly in schools. Had the Convention been translated into languages other than English and did social workers, the police and judges receive any training in that connection? He asked whether there were plans to set up a permanent parliament for children and said he would appreciate details on the mechanisms of coordination between ministries and between the Government and NGOs.

The meeting was suspended at 11.05 a.m. and resumed at 11.15 a.m.

22. Mr. OTTO (Palau) said that the National Committee on Population and Children lacked resources and emphasized that working for that body required strong dedication. Its members did not have anywhere to meet, for example, and used the office of one member as headquarters, after working hours. The fact that the Convention was the only international human rights instrument to be ratified by Palau, was no doubt partly due to the fact that there were fewer militants exerting pressure in other fields.

23. A conference on children had been held in 2000, giving children of all ages the chance to express their views; they had shown their willingness to work with the Government and had called for an anonymous telephone helpline to be set up. The National Development Plan was first and foremost an economic plan that did not go into detail about specific issues relating to the rights of the child; family and child welfare was nevertheless indirectly addressed in chapter 14, in connection with health.

24. An increasing proportion of the population was becoming marginalized and a study had recently been carried out to determine the poverty line. When an individual became marginalized, Palauans tended to consider that the clan or extended family had not provided adequate support, and the Government therefore intended to resolve the problem not by allocating funds but by considering ways to strengthen family ties.

25. Traditions were still extremely deep-rooted and customary law was recognized under the Constitution as equally authoritative in a court of law to codified law. Palauan society was matriarchal; children inherited land through their mother, and the mother's brother was the leader of the clan, a role that was more important than that of the father and conferred responsibility for the children's upbringing.

26. With 16 federal states and eight ministries for a population of only 19,000 inhabitants, Palau's state machinery was too complex; its streamlining was one of the main tasks the Congress had to address during its next term of office. The 16 states all had their own budget but the National Committee on Population and Children was responsible for implementing the Convention in each state.

27. The dark era of the 1980s, during which the population had fought for independence, sometimes in a climate of violence, had ended and the latest elections had taken place in a period of calm.

28. The definition of youth in the report corresponded to the traditional view of the responsibilities of each individual in Palauan society. For example, a single person was considered to fall into the category of youth, which extended to the age of 45. There were currently plans to reduce the upper limit of that age group to 34 or even 25 years. Legal minimum ages varied for different activities but the age of majority was 18. In any case, the definition of the child under the Convention was applicable in Palau.

29. Aware of the need to decrease the number of public service posts to reduce costs in that area, the Government had prioritized the development of the private sector and capacity-building in the fields of agriculture and fishing. The main sources of tax revenue were income tax and, in the tourism sector, hotel and airport taxes. Foreign companies fishing in the territorial waters of Palau contributed very little to the tax revenue because they enjoyed very generous measures taken some years earlier in an effort to attract foreign investors. Some of the money received under the Compact of Free Association had been paid into a special fund and invested. Once released, after the termination of the Compact, the money could be used to supplement local income. The forthcoming creation of an Office of Child and Family Support should facilitate the administration of the social budget.

30. The Convention had been translated into Palauan and distributed, in English and Palauan, in all schools and to all the bodies concerned. In 2000, a group of children had prepared a brochure on the rights of the child, which had also been made available in schools. A committee had been made responsible for redesigning secondary school textbooks to include the principles and objectives of the Convention. It had not yet been possible to modify primary school curricula but changes were planned. Several training sessions had been organized for people participating in the implementation of the Convention at all levels.

31. The National Committee on Population and Children played a key role in coordination, because its membership included every ministry, some NGOs - still limited in number despite the Government's efforts to promote their development -, the Chamber of Commerce, several women's organizations, the Rotary Club and the Palauan Society for the Protection of the Environment. An agency to act as ombudsman would eventually be created to complement the existing structures.

32. The issue of immigration was particularly delicate. Palau was a small country that wanted to protect itself from external pressure, which was why, in 2000, after extensive debate, Congress had approved a series of measures that would soon enter into force, to preserve the Palauan identity. The foreign workforce would be limited to 35 per cent of the total population, and foreigners would not be able to work in Palau for more than five years at most.

33. Adoption was also a complex issue that was difficult to resolve when non-Palauan children were involved. The Government was still looking at ways to meet the needs of such children and to protect their rights in accordance with the Convention.

34. Ms. KARP asked how much multilateral and bilateral assistance went to activities to help children and whether it was a predetermined amount. She would like to know whether any means other than the school curricula had been considered to raise primary school children's awareness of the principles and objectives of the Convention.

35. Grouping all young people together in one category made it difficult to target programmes and to assess their impact. She emphasized the need for disaggregated data on children under 18, so that their specific needs could be met more effectively.

36. While decisions on adoption were made on the basis of the child's best interests, those on divorce, child custody and the obligation to pay maintenance took into account the best interests of all concerned. She wondered whether the application of such criteria was not damaging to the child. While customary adoption was widespread, there were no specific services responsible for monitoring activities in that field, which were founded entirely on tradition. Had any measures been planned to ensure that such adoption was in the child's best interests and that the views of the child were respected?

37. On a more general note, what measures had been taken to change attitudes and amend legislation to ensure that children had the right to express their views, both in the family and in all administrative and legal proceedings? Were children represented on school boards? What steps would be taken to promote their participation at school and in society?

38. Mr. DOEK asked why, under the provisions of the National Development Plan, non-Palauan children would have to contribute to the cost of health care, while education would continue to be free of charge. He also asked about the distinction made between Palauan and non-Palauan adopted children. It seemed contradictory that foreign children were not given the same rights as other adopted children, yet any Palauan child adopted abroad was still considered to be a Palauan citizen.

39. Considering that there were still no foster homes or welfare services for children deprived of a family environment, how did Palau intend to address the recent changes in society, which were causing a deterioration of the role traditionally played by the extended family? Were there any plans to create a service responsible for helping children in need? Would any financial or other assistance be provided to female-headed households?

40. Would legislation be introduced to allow the authorities to intervene in cases of child abuse or neglect, and to enable abused children to be separated from their parents or family? Had any surveys been carried out to measure the impact of the corporal punishment awareness campaigns and were there any plans to go one step further and prohibit such punishment?

41. Ms. TIGERSTEDT-TAHTELA noted that, according to the provisions of the National Code, there were some cases - particularly divorces or custody cases - where court decisions had to respect the best interests of all parties concerned. She would like to know how the interests of the child were guaranteed in cases that caused a conflict of interests, given that children were usually the most vulnerable party.

42. Ms. KARP asked whether the exclusion of foreign workers from the protection provided by the Minimum Wage Act made it difficult for Palauans to find work, because their labour was now more expensive. According to certain sources, foreign workers were intimidated, for example employers would confiscate their passports, making workers and their families feel vulnerable and discouraging them from reporting any violations of their rights. Given that education was the best way to prevent discrimination and racism, why did neither the Master Plan for Education nor the National Plan of Action for Children provide for any training on human rights and the Convention? How did the Government plan to curb the growing climate of hatred towards foreigners?

43. With regard to assistance for families, she would like to know whether the measures taken applied only to parents or also to the extended family, which was the traditional family unit in Palau. It was surprising that the Victims of Crime Assistance Programme limited itself to encouraging parents and teachers to use "lighter" forms of corporal punishment, instead of advocating the total abolition of such punishment. In that respect, did the authorities plan to adopt any laws to criminalize corporal punishment and go beyond the written directives that dated back to the trusteeship? Lastly, would the Government consider amending the procedures for hearing children in court, as other countries had done, for example preventing the child and the defendant coming into direct contact?

44. Ms. RILANTONO emphasized the on-going need to raise the population's awareness of the principles of the Convention, in order to bring about a real change in the values of society in line with the Convention's objectives: the traditional attitude of simple child welfare should

gradually give way to a concept based on respect for children's rights. Education, as a tool for transferring values, was the means of setting that process in motion.

45. Mr. OTTO (Palau) said that under the Constitution, subsidized health care was provided to Palauan citizens, and was even free for the needy, but the provision did not apply to foreigners. That indicated the reasoning behind the measure taken within the framework of the economic adjustment policy, according to which foreigners were charged for health care.

46. In order to resolve many issues, such as the prohibition of corporal punishment, a balance had to be found between the traditional methods of rearing children, according to which children belonged to the community - which was collectively responsible for their upbringing - and the need to introduce more modern standards without damaging social cohesion. The issue was currently under consideration.

47. All the comments made on the increased risk of unemployment for Palauans because immigrant workers were not subject to the Minimum Wage Act were appropriate, and the Act had been effectively debated. It was undeniable that foreign children were victims, to varying degrees, of discriminatory behaviour on the part of Palauan children, and that the indigenous population as a whole was preoccupied with retaining possession of the land and national heritage. The Government was endeavouring to find a solution to the problem.

The meeting rose at 13.05 p.m.

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-sixth session

SUMMARY RECORD (PARTIAL)* OF THE 692nd MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 23 January 2001, at 3 p.m.

Chairperson: Ms. MOKHUANE
(Vice-Chairperson)

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES *(continued)*

Initial report of Palau *(continued)*

* No summary record was prepared for the rest of the meeting.

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GE.01-40265 (E)

In the absence of the Chairperson, Ms. Mokhuane, Vice-Chairperson, took the Chair.

The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) *(continued)*

Initial report of Palau *(continued)* (CRC/C/51/Add.3; HRI/CORE/1/Add.107; CRC/C/Q/PAL/1; written replies of the Government of Palau to the questions in the list of issues (document without a symbol, distributed in the conference room in English only))

1. At the invitation of the Chairperson, Mr. Otto (Palau) took a place at the Committee table.

2. Mr. OTTO (Palau) said that the Government was aware of the need to monitor the judiciary's attention to the best interests of the child.

3. While the adoption of legislation specifically to prohibit corporal punishment in schools and in the family would be desirable, it must be debated in the community. Even during the discussion of the initial report, many parents had voiced concern that too many standards and laws restricted them from properly disciplining their children. Palau had a very traditional, Christian society, in which the saying "spare the rod and spoil the child" was still widely invoked. It would take some time to bring about a meaningful change in attitudes. One of the reasons the services for crime victims were underutilized was that the project, which had initially been funded through a United States federal programme, had received support from the Palau Government only through 2000, and was slated to be eliminated in 2001. There was currently just one official working on it, and out-reach efforts were minimal. The programme's aim was not so much to support victims of crime as to provide a safe haven for children who were at risk of abuse.

4. Palau maintained diplomatic relations with 27 countries, some of which provided bilateral aid. Such assistance was generally earmarked for the construction of bridges or roads. Assistance in fields related to children came mainly from the United States and Japan, for mother and child health programmes and vaccination efforts respectively. Part of the elementary school curriculum was devoted to population studies, which could serve as a starting point for the dissemination of the Convention. The Plan of Action in the appendix to the periodic report included a section on the training of traditional and informal "helpers".

5. The loose definition of youth which had raised concern among Committee members was used mainly to permit people in their 20s and early 30s to take part in organized sport. On the other hand, when the Government referred to "programmes for children", it meant persons defined as children under the Convention and other instruments. The reason for the gender-based discrepancy between minimum ages for marriage might be a result of laws under the former trusteeship or colonial system. As one of the country's objectives was to bring its legislation into line with the Convention, the Government would surely look into eliminating that provision.

6. Children who dropped out of school did not do so to seek employment, but rather because they were attracted by an idle lifestyle. The minimum age for employment was an important question. In the Plan of Action, the Government had stated that it would seek to integrate child labour standards into the proposed Uniform Labour Act. Freedom of speech was important to Palauans and did not conflict with the country's traditions. While it was necessary to educate all members of society to ensure that children were allowed to express their views, there was a distinction to be made between the prohibition of their freedom of expression and its restriction to forms which showed due consideration for decorum and respect. All schools had student body governments and parent-teacher associations, both of which were able to take part in decisions affecting the students.

7. Ms. Rilantono had asked about the country's vision of the ideal atmosphere for children. The Ministers of Health of the Pacific Island countries had in 1995 drawn up a "Healthy Islands" framework policy, which included a vision of children nurtured in body and mind. In Palau, the vision was extended to one of children nurtured in body, mind and soul.

8. Ms. KARP noted that the Government was making efforts to integrate disabled children into regular schools. How was that done in practice? Were any efforts made to facilitate their access to public places? What measures had been taken to increase acceptance of the disabled by other students, who could sometimes be reluctant to accept them, or even cruel? Teachers too required support to help integrate the disabled into their classrooms. Were they given any counselling? The Master Plan for Education listed a number of aims, yet some of the objectives set out in the Convention, such as human rights education and participation, were apparently not included. Since such subjects were not at variance with the local culture, it would be worthwhile to teach them.

9. In many cases children dropped out of school because they felt that the curriculum and structure were irrelevant and did not meet their needs. Perhaps the education system should attempt to be more proactive, for example by making a special effort to increase participation and improve the content of the subjects covered. According to the report, it was assumed that commercial sexual exploitation was not a problem affecting Palauans, but rather one which involved foreign children servicing the tourist market. The Government should conduct a study of the phenomenon to ascertain its actual scope and should adopt legislation to address it more effectively. That would require prevention and treatment activities for the children concerned, as well as sanctions for the adults responsible.

10. Palau's failure to separate young offenders from adults in prison would best be corrected by building a separate facility for juveniles. Until that could be done, the existing prison should be adapted as quickly as possible to hold young offenders in separate quarters. Mixing young offenders with adult prisoners was very harmful to the youths.

11. Some children were reportedly prosecuted under local customary law, and their sentences could involve up to six months' incarceration or a fine. Were such children stigmatized? What offences could be prosecuted under that system? There had apparently also been an attempt to revive traditional measures as an alternative to prosecution, which could be a creative and

positive method of dealing with certain offences. However, in a culture which traditionally did not encourage children's participation, such measures also ran the risk of isolating and castigating the children in question. Were there any plans to provide support to such children?

12. Mr. DOEK, referring to the statistics in the written replies on early pregnancy, said he assumed that a number of the young women who had given birth in 1999 had not been married at the time. How were they and their children treated?

13. While the report stated that efforts were made through plea-bargaining to avoid life sentences being issued against young offenders, in fact the possibility of a life sentence remained on the books. Would the Government take steps to repeal that provision? Offenders aged between 10 and 14 could be considered to bear some degree of criminal responsibility; he asked how such children were treated. Under Palauan law, parents could be punished for crimes committed by their children, because of their failure to exercise reasonable parental control. Was that provision ever applied? In November 2000, some 25 children had been involved in alternative community service, under which they were paid and the money used to compensate the victims of their acts. Were participants paid only if compensation was due and how did the system provide for cases where monetary compensation was not possible?

14. He would appreciate further details concerning the provision of legal counsel for juveniles. In particular, were lawyers paid by the State to defend juvenile offenders? Under the community sentencing programme, was the child entitled to legal counsel aside from his meeting with a justice official in the presence of his parents? He asked whether there was a legal limit to the length of pre-trial detention and, if so, whether it was always respected.

15. Ms. TIGERSTEDT-TÄHTELÄ said that a working group at the National Symposium on the Palauan Child had recommended a national health-care insurance plan to ensure that access to health-care services remained open to all members of the community. She asked whether legislation had been passed to establish such an insurance scheme and, if so, how it worked. Could children and non-Palauan citizens also benefit? Since, in her understanding, there were no trade or employers' unions in Palau, she would be interested to learn where social security contributions came from. Were they made by natural or legal persons?

16. Mr. RABAH, referring to paragraph 48 of the report, asked what was meant by children who "chose" to live on the street. Had the Government tried to investigate why children had left their families, and were any steps being taken to prevent them from doing so?

17. Ms. RILANTONO asked whether the Government had developed a nutritional policy, particularly with a view to dealing with obesity and sub-clinical vitamin A deficiency in children. Were the country's abundant fish resources being used effectively to counter degenerative diseases? With regard to adolescent health, did the Government have any plans for preventing mental illness and suicide? She would appreciate further information concerning the environmental health programme. She asked what environmental problems needed to be addressed since, in the absence of industry, she failed to see how pollution could be an issue.

18. In the light of the Government's recognition of the importance of recreational and physical stimulation as well as intellectual development, did the Master Plan for Education contain provisions for extending recreational activities in schools, such as building new playgrounds and other facilities?

19. Ms. KARP said that she was concerned by the prohibition of abortion in Palauan law, even when a mother's life was in danger or when she had been the victim of incest or rape. The birth of a child in such circumstances could have a very damaging impact on the life of that child. Greater flexibility should be applied to take the best interests of the child into account.

20. Referring to the new, stricter legislation designed to curb alcohol and drug abuse among 14- to 21-year-olds, she asked whether children could be brought to trial for taking drugs. Given that children were the victims of social problems, it would be more beneficial to provide them with treatment than to punish them.

21. She said she would be interested to learn how children with mental and emotional problems were treated, since they were not considered to be disabled.

22. The reported plans to introduce fees for secondary school education were a matter of concern. She would be grateful for confirmation that State education would continue to be offered free of charge and, if that were not the case, information concerning how the Government proposed to help poor children to complete their schooling.

23. In the most recent Pacific Island Forum, the problem of trafficking in human beings had been raised. Could the delegation provide information on the extent of that practice in Palau and whether the Government had any plans to counter it?

24. She requested further details concerning the curfews which applied to children. Were they also curfews that applied to adults, and could children face trial if they broke them? Lastly, she asked whether a system was in place for advising judges of the particular needs and interests of children facing trial.

25. Ms. SARDENBERG said she failed to understand the need for curfew laws, given the generally calm situation in the country. She expressed concern that such measures might constitute a violation of article 15 of the Convention concerning children's freedom of association. She asked whether children were sufficiently represented in school councils. Could they participate in the making of simple decisions affecting the running of schools, such as choosing their own uniform?

26. Regarding the protection of children from harmful information, as she understood it, the Government had identified the problem of the open sale of pornographic material in the capital city, Koror, but had been unable to devise solutions because of the shortage of trained specialists in media and communications. Could the proposed task force on the "Media and Palauan Tradition" be asked to participate in that regard?

27. There were reportedly 14 different types of informal adoption procedures, which had led to many irregularities and problems. She asked whether the Government had any plans to regulate the situation concerning informal adoption.

28. Mr. OTTO (Palau) said that since the preparation of the report, legislation had been adopted requiring certain types of buildings to be made accessible to disabled persons. However, a bill concerning assistance for carers had not been adopted and was undergoing further discussion.

29. The report did not fully do justice to the support provided for school-age children with disabilities, which included specially-trained teachers and transportation. Nevertheless, work remained to be done to ensure that disabled persons were fully accepted by society, and to that end a number of community awareness campaigns were under way. There was always a comparative shortage of resources for social services, and that was no different in the case of services for the disabled. No specific grants were awarded to encourage the training of disabled people, but they were entitled to apply for the same scholarships as the able-bodied.

30. Old-fashioned educational methods could be partly responsible for high dropout rates from school, and his Government would consider conducting a study on teaching methods and the relevance of the curriculum.

31. Replying to questions concerning sexual exploitation, he said that a study would be carried out to develop a national plan of action. The Palauan Government was already considering ways of reducing the stigma attached to victims and ensuring that offenders were prosecuted. Similarly, it was aware of parents' concerns regarding the visibility of pornography, and meetings with community leaders had been held with a view to devising solutions to the problem.

32. Separate facilities existed for juvenile offenders within the same prison buildings used to accommodate adults. Very often, minor offences, including theft, disrespectful behaviour and public nuisance, were dealt with under customary law, without the need to bring a case to trial. With regard to the Committee's concerns regarding the lack of protection for children being dealt with under the customary system, he said that traditional justice was based on the best interests of the child, as it aimed to deal with offenders in their local communities. It was designed to teach children how to behave without the need to remove them from their family and friends. Traditional chiefs also had the power to intervene when children were mistreated by their parents.

33. Most early pregnancies occurred among unmarried girls, who were not stigmatized on that account. The babies were usually entrusted to the care of the girl's mother or grandmother. The prenatal clinics identified young mothers who were at risk and took appropriate measures on their behalf. In general, the public-health system provided for the welfare of both mother and child and encouraged breastfeeding.

34. With regard to life sentences for juveniles, the usual procedure was to engage in plea bargaining to avert the need to impose such a severe sentence. According to the Attorney-General, the provision had been kept on the statute book because the chances of handing down a life sentence were so remote that it merely served as a deterrent. However, the issue might well be reviewed.

35. It was for the judge to decide whether a juvenile aged between 10 and 14 was criminally responsible, an approach that had been inherited from the trusteeship period. The idea was that juveniles in that age group had the mental capacity to tell right from wrong and could therefore commit premeditated crimes.

36. In theory, parents could be punished for offences such as truancy committed by their children but he had never heard of any such case in practice.

37. Children performing alternative community service were paid for their services in all cases. If their earnings were not used to compensate victims, they were either kept by the child or channelled into prison rehabilitation programmes.

38. Lawyers were paid by the Government to represent juveniles. He would let the Committee know in due course whether there was a limit on the period spent in pre-trial detention.

39. The bill on a national health-care financing plan had been introduced by the former Chairperson of the Senate Health Committee, who was now the Minister of Health. Its goal was to provide health insurance for all residents, both citizens and non-citizens. Citizens would be covered up to a total of US$ 30,000 for all forms of health-care, subject to a co-payment of between US$ 2 and US$ 5. Non-citizens would be required to buy into the health-care system and contributions in respect of immigrant workers would be paid by their employers in Palau. Otherwise, given the absence of trade unions and employers' associations, the system would be funded through taxation.

40. Street children were a new phenomenon in Palau society and he was unable to account for the problem. Where the children concerned had run away from home, he agreed that it was advisable to look into the circumstances of their families.

41. A sub-clinical vitamin A deficiency in children had been identified in a study by the United Nation's Children's Fund (UNICEF). No clinical manifestations had been found but a 24-hour dietary recall had indicated that the children's diet was lacking in vitamin A.

42. Environmental problems related to an increase in mosquitoes had recently led to an outbreak of dengue fever. There had also been a small outbreak of leptospirosis, caused by mosquitoes and rats, the previous year. The country still had a problem with its sewage and solid waste disposal system.

43. Adolescent health was a high-priority issue. A psychiatrist had recently been recruited to develop a mental health programme. Young people who were found to have problems at home or in school or to be using drugs were referred to the Behavioural Health Division and treated on a case-by-case basis. Children were never brought to trial for drug offences.

44. The authorities were concerned about young people's lack of interest in physical education and physical activities, which was one of the probable causes of obesity. More than one quarter of 10-year-olds had been found to be as obese. Another problem was overeating, particularly of "junk food". One of the recommendations of the National Nutrition Plan adopted the previous year was the incorporation of a physical education programme into the school curriculum.

45. Abortion could be carried out legally on medical grounds. The idea of seeking the best interests of the child in developing a policy on abortion was a new approach that called for further discussion.

46. There was no definition of emotional disability and that was one reason for Parliament's failure to adopt the bill on assistance to care-takers. Although the existence of such disabilities was recognized, problems had arisen when it came to establishing the criteria and assigning responsibility for decision-making.

47. Attendance at all public high schools was free of charge but fees were charged for attendance at private schools.

48. To his knowledge, the problem of trafficking in people had not yet been encountered in Palau. However, there had been some cases, mainly involving adults, in the neighbouring islands of Guam and Saipan.

49. The curfew was applied at 2 a.m., a time when children would not normally be up and about. The idea was to provide protection against rowdy adults emerging from bars. Curfews were a traditional way of keeping the peace in a community and were often imposed and policed by women. Children who violated the curfew were not charged with an offence.

50. The need to provide a support system for juveniles who came into conflict with the law had been recognized, but the lack of social workers with the necessary expertise was an obstacle to be overcome.

51. Students presented their concerns to parent-teacher associations but did not participate in decision-making on such matters as school uniforms. He agreed, however, that it was a good idea.

52. At least two conferences involving parents and other adult members of the community had been held on the problem of access by juveniles to morally harmful materials. There were plans to enact protective legislation in that area.

53. Informal adoption was one of the most difficult issues facing Palau in its efforts to comply with the Convention. The 14 varieties of informal adoption were deeply entrenched in the country's traditions, but children who had been adopted in accordance with such procedures were often resentful of their lot. A great deal of discussion would be necessary on how best to address the issue.

54. He gave the following breakdown of professionals working with children: one psychiatrist, two paediatricians, two general practitioners, one nutritionist, one dietician, four experts in special education, four social workers, three counsellors and six public health nurses.

55. Ms. KARP said that Palau's report could serve as a model. It reflected a deep understanding of the objectives and principles underlying the Convention.

56. She hoped that Palau would succeed in striking the right balance between economic development and preservation of its culture, environment and national identity. It should look for new and creative ways of interpreting traditions in a manner consistent with the Convention, especially the principle of seeking the best interests of children as partners in society. She understood that when parents taught their children traditional values, they often suppressed their emotions, creating a vacuum that undermined the aim of producing responsible citizens. Responsibility was developed not through obedience and humiliation but through partnership.

57. She encouraged Palau to implement its National Plan of Action for Children, taking into account the Committee's observations and ensuring that sufficient funds and manpower were available for its implementation.

58. Mr. OTTO (Palau) said that he would transmit the Committee's concluding observations to the appropriate authorities, who would certainly take them to heart. He trusted that many of the projects currently under consideration would have been duly implemented by the time Palau's next periodic report was submitted.

The public part of the meeting rose at 4.45 p.m.

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-sixth session

SUMMARY RECORD OF THE 693rd MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 24 January 2001, at 10 a.m.

Chairperson: Ms. MOKHUANE
(Vice-Chairperson)

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of the Dominican Republic (continued)

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Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.01-40273 (E) 030401 120601

The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of the Dominican Republic (CRC/C/8/Add.40; CRC/C/Q/DOMREP/1; written replies of the Dominican Republic (document without a symbol distributed in the meeting room in Spanish and English))

1. At the invitation of the Chairperson, Mr. Veras, Ms. Joa, Ms. Vicioso, Mr. Flores, Ms. Santana, Ms. Bello de Kemper and Ms. Tejada (Dominican Republic) took places at the Committee table.

2. Mr. VERAS (Dominican Republic) said that when the Dominican Republic had ratified the Convention in 1991 it had begun an unprecedented process of amending laws, policies and programmes relating to children, in the context of a more general effort at protecting human rights in the country. Before the Convention had been incorporated into the Dominican legal order, establishing a system of comprehensive protection for children and adolescents, the country's legislation had covered only children whose rights were violated or child offenders. The Dominican Republic had participated in the World Summit on Children, and had committed itself to taking the legislative measures necessary for implementing the Convention, in pursuance of the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s.

3. For example, in 1994 the Code for the Protection of Children and Adolescents had entered into force, fully reflecting the spirit of the Convention with regard to protection of children and adolescents. In an effort to establish effective legal mechanisms, the Dominican Republic had also adopted the United Nations Standard Minimum Rules for the Administration of Juvenile Justice - in accordance with which special children's courts had been established - and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. Much remained to be done in the area of children's rights, and his delegation's appearance before the Committee was motivated by a desire for honesty and a determination to establish a fruitful dialogue.

4. Ms. RILANTONO said that, unfortunately, the report was not in full conformity with the Committee's guidelines and certain gaps existed, although the updated material in the written replies provided for a better understanding of the country's situation with regard to children's rights. The State party had made considerable efforts in that area, despite the economic and social problems with which it had to cope. Significant progress had been achieved in the area of legislation, with the adoption of the Code for the Protection of Children and Adolescents (1995), the General Law on Education (1997), the Law against Family Violence (1997) and the General Law on Youth.

5. She asked what age groups were covered by the terms "children", "adolescents" and "young people" in the report and written replies and whether the entry into force of the Code for the Protection of Children and Adolescents had expedited the implementation of the Convention from the point of view of planning, resource development and administrative reforms.

6. More details would be appreciated about the links between the Governing Body responsible for supervising plans and programmes relating to children - whose activities appeared to be hampered by a lack of financial resources - and the Ministry of Youth, whose functions appeared to be quite similar. Did the Government intend to establish a national commission for the protection of children and adolescents, comprised of representatives of civil society and NGOs, whose goal would be to formulate national strategies for implementing the Convention? Such a commission might base itself on the work of the Children's Rights Committees at the community level, which, according to some sources, the State did not provide with adequate support.

7. As the State party was required under article 4 of the Convention to undertake measures for the implementation of children's rights to the maximum extent of its available resources, she would appreciate information on the financing of the various activities and asked whether the Dominican Republic was receiving international assistance for that purpose. Finally, how did the authorities intend to correct regional differences in education, sexual exploitation and the traffic in children, the problem of street children and discrimination against Haitian migrant workers?

8. Mr. DOEK asked whether the Dominican Government had evaluated the results of the 10-year national plan of action established to achieve the goals of the 1991 World Summit for Children, and, if so, what the results had been in the different areas. He would like to know whether the Governing Body supervised the human rights programmes prepared by the different ministries or whether it reported to a single ministry. Who was responsible for coordinating the various activities? What links and cooperation mechanisms existed between the Governing Body and the National Council for Children?

9. He would like to know whether an easily-accessible mechanism had been established to enable Dominican children to lodge complaints with the courts when their rights were violated. As it was important for the implementation of children's rights to be monitored by an independent body, not necessarily part of the judicial branch, he asked whether the Government had considered establishing an institution such as a national human rights commission or ombudsperson. What share of international financial assistance did the State earmark for social expenditures? How were the programmes conducted by the provincial authorities funded and was the necessary transparency guaranteed?

10. Ms. SARDENBERG said that in the 10-year period during which the Dominican Republic had been implementing the Convention, there had been encouraging results, but many problems persisted. The statistical data used in preparing the report referred to 1996, yet recent data was indispensable for targeting problems, formulating appropriate policies and monitoring the progress achieved. Was the Government endeavouring to establish a more efficient data collection system?

11. Cooperation with NGOs was not yet sufficient, being limited to participation by two NGOs in the discussions of the Governing Body. Did the new Government plan to establish closer links with the NGOs in the country and to increase their participation in decision-making? The establishment of Children's Rights Committees comprised of volunteers was commendable, but it was regrettable that the Government provided them with no assistance. It would be

interesting to know how such committees functioned, whether the volunteers could follow training courses and whether the Government planned to establish closer links with the committees.

12. Were the conclusions of the survey in which Dominican children had been asked to describe the ideal country which they would like to inherit available, and, if so, what were they? Did the new Government intend to take the children's opinions into account in defining a new policy on children? Finally, what was the new Government's position with regard to the Inter-American Court of Human Rights decision of 18 August 2000 on preventive measures concerning Haitian immigrants?

13. Mr. RABAH asked for details on the coordination of the different bodies, councils and other offices responsible for children's programmes. How were the funds distributed among the different bodies? Was training provided for people whose profession brought them into contact with children, in particular teachers? Were campaigns to raise children's awareness of the Convention conducted in primary schools? Finally, could the delegation explain the definition of the child given in the report and state the reason why the age of consent to marriage was not the same for boys and girls?

14. Ms. TIGERSTEDT TÄHTELÄ noted that the Dominican Republic was in the midst of an economic boom, due especially to the increase in tourism and foreign investment; the Government should therefore be able to assign more resources to children's programmes. She therefore asked to know the budget allocations for health, education and social welfare. Had the social welfare sector received the planned 10 per cent increase in allocations? She would also like to know whether decisions on matters relating to health, social welfare and education, in particular, were taken on a centralized basis or by the communities themselves. Were the communities empowered to collect taxes to fund their programmes? What were the modalities for the State's distribution of resources to the communities?

15. Mr. VERAS (Dominican Republic) said that under Act No. 14-94, a children's protection apparatus had been established, organized around a Governing Body for the Protection of Children, with representation at the regional and provincial levels. The Governing Body was comprised of representatives of the State Secretariat for Public Health and Social Welfare, the State Secretariat for Education and Culture, the Ministry of Justice, the National Council for Children and the Technical Secretariat of the Office of the President, plus two representatives of NGOs. Through its Executive Technical Department, the Governing Body was responsible for promoting children's rights, supervising the activities, plans and programmes set up by NGOs and government bodies and helping define guidelines for government action. There was also a governmental advisory body, in which governmental bodies and NGOs took part, which was in charge of monitoring the implementation of government decisions. It was also responsible for redefining regional and provincial development plans to take account of needs observed in the field. Finally, the Dominican Government was currently evaluating, jointly with UNICEF, all children's activities being conducted with a view to formulating a new national plan for children.

16. Ms. SANTANA (Dominican Republic) said that, according to the Children's Code, an individual was considered to be a child until the age of 12 and an adolescent from 13 to 18 years of age. It was true that the age of consent to marriage differed for girls and boys, but the revision of the Civil Code being conducted as part of the process of adapting internal law to provisions of the Convention should eliminate that disparity.

17. There was no children's ombudsperson as such, or mechanism for receiving children's complaints, but there were children's shelters in the Dominican Republic which came to the assistance of children who had been victims of violence. The children had to be accompanied by an adult in order to be heard.

18. Ms. JOA (Dominican Republic) said that the final version of the report on action undertaken by the Dominican Republic to achieve the objectives of the World Summit for Children should be available by the end of January 2001. Brochures published under the supervision of the State Secretariat for Education and Culture had been distributed by UNICEF to school-age children with a view to familiarizing them with the Convention. The Government had planned to train teachers in the Convention's provisions, but it had been necessary to postpone the project for lack of financing.

19. Ms. VICIOSO (Dominican Republic) said that the situation of girls had improved considerably as far as education was concerned; more girls than boys were now completing primary school, girls accounted for 56 per cent of secondary school children and the number of young women enrolled in higher education had been increasing steadily for the last 10 years. Girls traditionally chose the social sciences or literary branches, while boys specialized in technical or scientific areas. Significant progress had been achieved with the adoption of the Law against Family Violence, the culmination of a 20-year campaign by various feminist movements supported by NGO networks. Much remained to be done, and efforts should now be channelled into improving the situation of girl children.

20. The new Government had made education, health, food and housing its four major priorities and allocated an unprecedented share of the budget to education. The resources assigned to the Governing Body came from a special fund managed by the President of the Republic. The results of the survey conducted to identify the hopes and expectations of children and adolescents and to highlight the deficiencies in domestic legislation in relation to the provisions of the Convention would be submitted to the Council of Ministers and taken into consideration in the national plan for children, to be prepared in cooperation with UNICEF.

21. For several years the Dominican Republic had been working towards greater involvement by civil society and NGOs in decision-making. The initial report had been submitted to NGOs for comments and proposed amendments at a meeting with the Government, and two NGOs were members of the Governing Body.

22. Mr. VERAS (Dominican Republic) said that the Dominican Republic was anxious to guarantee immigrants from Haiti their fundamental rights but did not have sufficient resources to resolve the problem by itself, and hoped to receive support from the international community to

do so. Action to combat poverty was one of the Government's main objectives: an anti-poverty committee had been established by presidential decree with the goal of defining priorities and formulating policies, in cooperation with a representative of children's NGOs.

23. The decentralization process took the form of provincial and regional plans, implemented by the provincial and regional councils, whose members included Government representatives appointed by presidential decree and representatives of NGOs in each voting district.

24. The State had set up a hotline for victims of child abuse. It was coordinated by an NGO with the support of the Family Institute. Efforts aimed at achieving better geographical coverage for that service, which provided support and counselling, and technical assistance would be welcome.

25. Ms. JOA (Dominican Republic) said that the Ministry of Education was currently negotiating a $30 million loan for school enrolment of all children over five throughout the territory. It had also begun a programme for the construction of 2000 centres throughout the country for the education of three- and four-year-olds, with family and community participation. At the secondary level, the Ministry was negotiating a $90 million loan with the Inter-American Development Bank for the construction of vocational training centres. Several loans for protection and prevention activities in the area of mother and child health had also been concluded.

26. In October 2000, the President had ordered the beginning of a decentralization process, with the establishment of seven regional councils representing the different provinces, which would be assigned their own budgets by the national bureau. The decentralization had included the establishment of regional health departments, but it had not been completed in all sectors and it was too early to say how rapidly progress would be achieved.

27. Mr. FLORES (Dominican Republic) said that the age of marriage was 18 years, but that a minor could become emancipated, with parental consent, at 16, thus acquiring the legal capacity to contract marriage.

28. Ms. RILANTONO noted that only a minority of children were issued a birth certificate, which was needed in order to inherit and to register in school; she asked what were the obstacles to systematic registration of births: was the problem one of cost or lack of information?

29. She would like to know what measures the State party intended to take concerning police brutality, which, according to some sources, affected children, and she urged it to accede to the Convention against Torture. Measures for children not enrolled in school and street children would also be desirable. Moreover, it appeared that many families adopted children ostensibly to raise them but in fact to exploit them. Such children were not enrolled in school and worked either as domestic servants or in their adoptive parents' businesses. According to outside sources, the high number of adolescent pregnancies was another disturbing problem.

30. It would be interesting to know how children's freedom of expression and religion was considered in the State party. Was it considered to be a right, or was the culture a more authoritarian one?

31. Mr. DOEK stated that the persistence of numerous forms of discrimination against Haitian children living in the Dominican Republic was largely due to the lack of appropriate legislative provisions to protect them. Action in the legal sphere would be an indication of the Government's intention to improve the situation.

32. Noting with satisfaction the various measures taken to combat family violence, he asked what their results had been, how many awareness-raising campaigns had been conducted and how many prevention and treatment services had been established. How were children encouraged to report the perpetrators of ill-treatment and what channels were accessible to them for lodging complaints? How was the procedure conducted? On the other hand he was surprised to see that there were no NGOs on the National Commission for the Prevention and Elimination of Family Violence.

33. It would also be useful to know whether mechanisms had been established to provide support and counselling for families in difficulty and whether a policy existed to help parents meet their responsibilities in order to protect children against all forms of violence or neglect and to combat juvenile crime. In the case of single-parent families, most often headed by women, what was done to ensure that maintenance obligations were met? How many cases involving the obligation to provide maintenance had been brought before the courts?

34. He would also like to know how many children had been placed with foster families or in institutions and whether special steps were taken to facilitate family reunification when children had temporarily been removed from their parents' care. He noted that minors were at times kept in pre-trial detention for a relatively lengthy period, and asked what was done to avoid that type of situation.

35. He would like to know whether children were consulted when school curricula or internal rules were drawn up. More generally, how did the Government plan to change attitudes in order to guarantee children the right to express their views and to be heard?

36. Mr. RABAH asked what means were used to raise public awareness of the problem of corporal punishment and to combat it in schools and families. Were statistics available on the number of incidents reported and cases brought before the courts? What exactly was the role of the new children's shelters for abused children and how did they operate?

37. Ms. SARDENBERG said that membership of NGO representatives on the Governing Body was not sufficient for establishing genuine cooperation with the Government and that meetings and exchanges should also be developed with civil society. Strengthening of cooperation with international organizations would help facilitate the collection of up-to-date statistics. Having learned through the press of a preliminary draft amendment to the Code for the Protection of Children and Adolescents increasing certain penalties against parents, she said she was concerned at the implications of such a measure, which ran the risk of provoking strong resistance and even setting back the clock.

38. She noted that significant progress had been achieved in the advancement of women but that there seemed to have been no improvement in the situation of girls; the reasons for that gap should be explored. In particular, concrete measures should be taken to address the problem of child domestic labour.

39. The World Conference against Racism, to be held in September 2001, provided the Government of the Dominican Republic with an opportunity to address the situation of Haitian immigrants not only from a political and economic point of view, but also with recognition of its racial aspects. The problem had to be dealt with frankly and action taken at both the national level, with the entire society involved, and at the international level.

40. Ms. TIGERSTEDT-TÄHTELÄ expressed concern at the situation of the Haitians, whose exclusion and exploitation seemed to have been accepted as normal.

41. Mr. VERAS (Dominican Republic) acknowledged that, despite the efforts made much remained to be done in order to guarantee the right of each child to have a birth certificate; the country would need technical and financial assistance in resolving that problem.

42. Ms. VICIOSO (Dominican Republic) said that the perception of Haitians in the country varied widely. Although there were indeed various forms of discrimination against them, attitudes were changing, under the influence of intellectual circles, and the situation was improving. It was necessary to avoid simplifying and to bear in mind that the problem was complex and involved many historical and cultural factors. It was difficult to determine the exact number of Haitian children living in the Dominican Republic, as available figures varied according to the source and were nearly 10 years out of date. The Government had made a census of the Haitian population one of its priorities. It also deemed urgent a revision of migration policies in order to clarify the situation of Dominicans who had emigrated to the United States and Haitian immigrants who had settled in the Dominican Republic. The national legislation should be amended to gain control over migration flows. There was an additional difficulty with regard to Haitian children born in the Dominican Republic to immigrant parents, as they were considered under the Haitian Constitution to be Haitian citizens. Consultations on the subject were under way between the two countries.

The meeting rose at 1.05 p.m.

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-sixth session

SUMMARY RECORD OF THE 694th MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 24 January 2001, at 3 p.m.

Chairperson: Ms. MOKHUANE
(Vice-Chairperson)

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CONSIDERATION OF REPORTS OF STATES PARTIES *(continued)*

Initial report of the Dominican Republic *(continued)*

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GE.01-40269 (E)

In the absence of the Chairperson, Ms. Mokhuane, Vice-Chairperson, took the Chair.

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) *(continued)*

Initial report of the Dominican Republic *(continued)* (CRC/C/8/Add.40; CRC/C/Q/DOMREP/1; written replies of the Government of the Dominican Republic to the questions in the list of issues (document without a symbol distributed in the meeting room in English only); supplementary report of the Dominican Republic (document without a symbol distributed in the meeting room in Spanish only))

1. At the invitation of the Chairperson, the members of the delegation of the Dominican Republic resumed places at the Committee table.

2. Mr. VERAS (Dominican Republic) said that although most families in the Dominican Republic were Catholic, the freedom of children to choose their religion and to express their views was guaranteed under article 8 of the Constitution. Young people were also free to choose from a wide range of activities and study options to further their development.

3. Disciplinary measures were taken against all law enforcement officials guilty of brutality towards juvenile or adult offenders. In addition to a general restructuring of the police, specialized law enforcement officials for juveniles had been introduced pursuant to Act No. 14-94 establishing the Code for the Protection of Children and Adolescents.

4. The system of guardianship in exchange for domestic work was a traditional means by which children whose parents could not afford to look after them earned an education, clothing and a healthy diet for them by carrying out household duties for a wealthier family. It permitted many such children to become professionally trained when they would not otherwise have been able to do so.

5. There were currently insufficient resources to provide accommodation and rehabilitation for the increasing number of street children. The Government provided financial and technical support to non-governmental organizations (NGOs) active in the field, but it would require further international assistance to meet the needs of all the children living on the streets.

6. Mr. FLORES (Dominican Republic) said that adoption procedures were regulated by the Code for the Protection of Children and Adolescents. Strict moral, physical and economic criteria were required to be met by prospective adoptive parents, and preference was given to citizens resident in the Dominican Republic. Approval had to be received from both the Office of the Attorney-General and Ministry of Foreign Affairs in cases of international adoption.

7. Mr. VERAS (Dominican Republic) said that children could either be offered for adoption by their parents or taken away from families in extreme cases of neglect. His Government was

currently drawing up new legislation concerning voluntary adoption, while if a situation of neglect was confirmed, the authorities always sought a family of relatives before resorting to adoption.

8. Adolescent parents and single mothers were assisted by a support programme which included day-care centres and courses on parenthood run by the National Council for Children (CONANI).

9. A government public awareness programme concerning the Convention on the Rights of the Child had been under way for some time with assistance from the United Nations Children's Fund (UNICEF), and persons working in the area of child rights were trained to be fully aware of the Convention's provisions.

10. The legal framework for cases of child abuse was provided by Act No. 14-94. There was currently one shelter for abused girls, which catered for an area equivalent to 25 per cent of the Dominican Republic, and the Government was planning to build another in the near future, with a view to extending services to other provinces.

11. Ms. SANTANA (Dominican Republic) said that the age of majority was 18 years, and children over the age of 12 were considered to be adolescents by the juvenile justice system. The National Congress was currently considering a bill on the establishment of a Child's Ombudsman, and a coordinated effort was being made to revise existing legislation to take children's rights into account.

12. In reply to questions concerning pre-trial detention and deprivation of liberty, she said that criminal proceedings applied only to adolescents accused of serious crimes, such as murder, robbery, drug dealing and carrying dangerous weapons. The Judicial Training College provided judges with courses on alternative sentencing, and many juvenile cases were resolved before they reached the courts. Extended periods of pre-trial detention were often the result of a backlog of cases, caused by a shortage of courtrooms, but there were officially appointed lawyers working to ensure prompt trials for juvenile offenders, and everything possible was being done to achieve that objective. The Government had also accepted the principle of using deprivation of liberty only as a last resort in juvenile justice, and all the competent authorities were attempting to reform the system with that in mind.

13. Mr. VERAS (Dominican Republic) said that a commission had been established to investigate the issue of pre-trial detention of juveniles, consisting of representatives of CONANI, the Office of the Commissioner for the Reform and Modernization of Justice, the Executive Technical Department of the Governing Body (DTEOR) and UNICEF. The Office of the Commissioner for the Reform and Modernization of Justice also supported projects designed to ensure that the rights of juvenile offenders were respected. Further technical support was still required to assist with the rehabilitation of young offenders, in order to replace prison sentences with programmes for their reintegration into society.

14. Ms. JOA (Dominican Republic) said that the Government was trying to bring a new sense of leadership to the education system. Its priority was to ensure that all children, from whatever social background, could fulfil their potential and participate actively in Dominican

society. Education was compulsory between the ages of 5 and 18 years, with secondary education beginning at 14. The failure of some parents to obtain birth certificates for their children was not necessarily a barrier to school enrolment. For instance, schooling was provided for the children of Haitian sugar cane workers, whether or not they had birth certificates and whether or not they lived in the Dominican Republic.

15. Pregnant Haitian women received adequate health care in the border regions and, with the exception of isolated cases, did not suffer from discrimination in hospitals.

16. "Over age" children were those who found themselves in a school year group designed for younger children, which occurred as a consequence of not having enrolled in time or because of overcrowding. The Government intended to prevent such problems by building new schools, particularly in rural areas, which it hoped would increase the proportion of school-age children in education from 90 to 100 per cent.

17. Psychologists and special-needs teachers worked in schools to assist children with learning and behavioural difficulties. Parents, teachers and head teachers were all involved in the process of helping those children and in preventing conflicts from arising in lessons.

18. The basic education curriculum for children in the 6 to 13 age group included tuition designed to instil a set of values with a view to promoting harmony in the family and in society.

19. Students at the intermediate level of education participated in the work of school councils, which dealt with issues such as the planning of courses and classroom interaction with teachers. The ultimate aim was to involve communities in the individual regions in decision-making on the appointment and dismissal of teachers. Schools for parents were designed to promote a stimulating social and educational environment for students by strengthening the family and seeking to restore some of the values that had been undermined by recent developments in society.

20. The Ministry of Education intended to establish a national register of students which would provide objective information about such problems as the drop-out rate. The availability of reliable figures on the number of children and teachers at public and private schools would enable the authorities to develop more effective policies on education in general and on such matters as school lunches, transport and uniforms.

21. Mr. VERAS (Dominican Republic) said that the results of the survey conducted with UNICEF on the theme "It is for children to say what kind of country we want" would be used as a frame of reference for the National Plan of Action for Children. The Government fully supported initiatives such as the social mobilization project for the rights of the child in the knowledge that such initiatives ensured more effective implementation of the Convention.

22. The authorities entertained harmonious working relations with NGOs. There were plans to coordinate joint action on behalf of children and adolescents with a coalition of NGOs.

23. Act No. 14-94 establishing the Code for the Protection of Children and Adolescents clearly specified the parental responsibilities of both father and mother, and established penalties

for failure to fulfil those responsibilities. An awareness-building campaign had been carried out with the support of the Catholic Church, which had recently made public statements on the duties of parents and guardians.

24. The Government provided financial assistance and the services of psychologists and social workers to an NGO called the Family Institute, which extended psychological, technical and moral support to families in need, particularly in cases of family breakdown. The Institute also carried out psychological assessments of prospective adoptive parents. A former President of the NGO was now the Minister in the Office of the President, and was therefore fully conversant with the problems involved.

25. He wished to impress on the Committee that the issue of immigration from Haiti was not a recent phenomenon but a cultural and historical problem. Every effort had been made to provide Haitian immigrants with housing, educational facilities, health care and social security. The previous President had set up the Directorate-General for Development of the Frontier Area, which had been further strengthened by the current Government. In that connection, he stressed that Dominican children in the frontier area were also affected by poverty.

26. Ms. VICIOSO (Dominican Republic) said that the Ministries of Foreign Affairs of the Dominican Republic and Haiti were developing a migration policy that reflected the current circumstances of the two countries. Poverty, marginalization, lack of birth certificates and inadequate health care affected children in both countries, but the issue of deportation of Haitian children and possible discrimination against them by some public entities was currently being addressed.

27. A training course on women and development had been organized for all staff of the Ministry of Foreign Affairs to ensure that, for example, the more than 60,000 Dominican women immigrants in Europe could rely on effective and sensitive assistance from Dominican embassies and consulates abroad in dealing with any problems they encountered. Work was also under way on a training course on the Convention for the Ministry staff, because diplomatic staff were constantly confronted with problems affecting Dominican children.

28. Mr. VERAS (Dominican Republic) said that the process of development of the frontier area had begun in the 1980s and was coordinated by the Dominican and Haitian Ministries of Foreign Affairs.

29. Ms. RILANTONO asked whether there was an awareness-building campaign to encourage people to register births and whether registration was free of charge.

30. Noting that the infant mortality rate was high throughout the country and twice as high in rural areas, and that there was limited access to health-care centres, safe water and sanitation facilities, she stressed the importance of health education and public-health awareness campaigns. External help was important in devising campaigns and also in improving the infrastructure of primary health-care centres. She inquired about the incidence of tuberculosis and malaria in the Dominican Republic. Adolescents apparently accounted for one in four pregnancies and 10 per cent of all hospital beds were occupied by women with post-abortion complications; those were particularly disturbing statistics. She also understood that there was a

close correlation between the figures for HIV infection and AIDS and cases of sexual exploitation. Were there any special programmes to deal with those problems? The shortage of doctors was another problem that needed to be addressed.

31. She wished to know whether there had been a preliminary evaluation of the results of the Ten-Year Education Plan (1992-2002) in terms of teacher training, provision of educational materials and textbooks, school infrastructure, etc. Was more attention being focused on the early years of primary education? What steps had been taken to encourage parents to enrol their children in school instead of sending them out to work?

32. The lack of physical education in schools was attributed to the lack of space and facilities, but all that was needed was a yard where children could play football and other games, an essential part of their physical and emotional development.

33. Were there any pre-school facilities and, if so, were they run by the public authorities or by NGOs?

34. Tourism was clearly beneficial in terms of its contribution to the economy but it was also associated with the problem of child prostitution. What health-care facilities were available to the children concerned? Had any studies been carried out with a view to combating the problem and developing a rehabilitation policy?

35. Mr. DOEK asked how effective legislation on child abuse was in terms of allowing children to report to an easily accessible body or a relative. Was there a special body to deal with such complaints and, if not, how were they handled by the authorities, particularly the police?

36. With regard to disabled children, he wished to know whether the focus was on integration into regular education or provision of special education facilities. How many special schools had been established? The National Council for Prevention and the Rehabilitation, Education and Social Integration of Disabled Persons had a very limited budget. He asked whether there were any plans to increase its budget and improve its activities. There seemed to be little provision for access by disabled persons to public buildings or for special traffic measures.

37. He would welcome information about action to educate the Dominican population as well as Haitians in the western part of the country about HIV/AIDS and to provide easily accessible health-care services.

38. He understood that there had been a heated debate in the country about the issue of reproductive health education in schools. An education plan drawn up some years previously by NGOs and the Government had not been implemented. Had it been shelved or were there plans to introduce it in due course?

39. According to the World Bank, 13 per cent of children aged between 7 and 14 were not attending school and about 16 per cent of minors aged between 10 and 17 were illiterate.

There was also a high drop-out rate. What was being done to address the issue of drop-out, non-enrolment and the fact that only 58 per cent of elementary schoolchildren completed grade five? He was also troubled by the low figures for secondary school enrolment: 34 per cent for boys and 47 per cent for girls.

40. Referring to the Memorandum of Understanding between the International Labour Organization (ILO) and the Dominican Government, he noted that the International Programme for the Elimination of Child Labour (IPEC) was running projects in the municipality of Constanza designed to remove 250 child labourers from agricultural plantations. He asked whether the Government was involved in funding the projects or whether they were funded entirely by ILO. Were there any other projects to address child labour in which the Government was involved? It was essential to ensure that the results of such projects were sustainable and extended to other sectors of the economy. Was there any policy on sustainability or were projects merely conducted on a piecemeal basis?

41. Ms. SARDENBERG said she had the impression that education and health facilities were concentrated in urban areas to the detriment of rural areas. She would be interested to learn whether the Government had a policy to address that problem.

42. With regard to family breakdown, she would welcome information about the shortage of childcare facilities for working mothers and the number of children's shelters.

43. What exactly were "educational centres"? Were they run by the Government or by the community? She would appreciate more details about the new gender approach in schools. She understood that the General Children's Act based on the Convention, which had been in force for seven months, was the result of a joint effort by a number of different bodies. Had young people also been involved in the drafting process?

44. She inquired about the sub-registry of persons suffering from AIDS and the correlation between child prostitution and cases of HIV/AIDS.

45. The Committee would be interested to know what measures had been taken with regard to the Government's plans for police reform.

46. The existing situation with regard to prostitution and sex tourism was most alarming; there were reports that it was a threat to the development of the country's human resources and that up to 25 per cent of children of both sexes were involved. It appeared that the number of cases was under-reported and also that some cases were associated with rape. How was the new Government planning to combat the problem?

47. Mr. RABAH said that, according to the Convention, education was compulsory, particularly at the primary level. According to the information provided, however, classes in public schools were overcrowded and many school buildings in rural and marginal urban areas were in a serious state of disrepair. In view of those conditions, many people avoided public schools and that could lead to a problem of discrimination between public and private schools. Further information should be provided on the public school system in the Dominican Republic.

48. It appeared that there were problems with the water supply, because the consumption of water was a source of numerous diseases, particularly for children. Was the Government taking any measures to improve the situation?

49. The report provided information on the principles and procedures established in Act No. 14-94 (Code for the Protection of Children and Adolescents) to protect the rights of children in conflict with the law. However, further information would be useful on the role of the social worker when a child was detained and whether young offenders were eligible for legal aid. It appeared that, in 1996, there had been a total of 1,479 young offenders but only two detention centres. He said he would appreciate additional information on the detention centres and asked whether there were any rehabilitation centres. It would also be useful to know whether judges in juvenile cases received specific training and were specialized in juvenile justice. Was there any coordination between NGOs working with juvenile offenders and the courts, particularly in Santo Domingo?

50. Mr. DOEK said that, according to the written replies, data on young offenders was broken down into various categories: committed, tried, released and pending. It appeared that 2,411 young offenders had been committed and 1,438 had been released between January 1999 and June 2000; did that mean that they had been released from pre-trial detention or acquitted and, if so, why and at what stage of the proceedings? There were 671 pending cases; did that mean that all the children were in pre-trial detention? A special youth unit in the Police Force had also been mentioned and it would be interesting to know whether it had already been set up or was at the planning stage.

51. The CHAIRPERSON said that the report had referred only to article 28 of the Convention, on the right to education, and had ignored article 29, which referred to the purposes and content of education; she would be interested to learn about the aims of education in the Dominican Republic.

52. The State party had reported on the physical health of children, but had made no mention of their mental health. Additional information would be useful about whether there were cases of autism or other mental conditions among young children, and about the adolescent suicide rate and its principal causes. Information should also be provided on the use of tobacco and alcohol among young people, and also on substance abuse.

53. According to the report, most women had heard about birth control but had little knowledge of methods. Further information would be welcome on the use of contraception, particularly among adolescents.

The meeting was suspended at 4.38 p.m. and resumed at 4.55 p.m.

54. Mr. VERAS (Dominican Republic) said that birth registration was free of charge in the Dominican Republic. In order to guarantee the right of all children to a birth certificate, the Government was establishing a system whereby, in every public health centre, there was one person specifically responsible for facilitating the procedure.

55. Child prostitution was a problem that affected all Latin American countries which relied on tourism for a major part of their revenue. The Government was very concerned about the issue and the President had recently signed a decree establishing a commission responsible for eradicating child prostitution. Studies had been carried out with the collaboration of the Ministry for Youth, the Ministry of Labour and the National Police to identify the principal sites, which coincided with the major tourist centres. The Government was providing technical and financial assistance to NGOs for the implementation of projects such as *Ninos Caminantes*, in Boca Chica, which undertook activities intended to prevent the commercial and sexual exploitation of boys and girls working in the beach areas. Regulations were being tightened and work was being done at the level of the family and community organizations.

56. However, since the problem was related to sex tourism, it had an international dimension. The Dominican Republic could capture and deport tourists found corrupting the country's children, but if their countries of origin did not follow up the cases, there was no deterrent for perpetrators.

57. The Dominican Republic was also endeavouring to eradicate child labour. There was now a law regulating child labour and the country had ratified the ILO Minimum Age Convention, 1973 (No. 138) and Worst Forms of Child Labour Convention, 1999 (No. 182). Much of the child labour in the country was associated with agriculture and the Government was working with ILO to eliminate it; a pilot project had been executed in Constanza, with the financial assistance of IPEC, and there were plans to expand it to other agricultural areas, such as San Francisco Macoris.

58. Since both child labour and child prostitution were ultimately work-related problems, the Government had presented a proposal to ILO requesting technical cooperation and financial assistance in order to elaborate a programme for the eradication of both.

59. The General Children's Act, adopted in July 2000, which regulated and guaranteed the rights of children, had been prepared by young people from the three majority parties. Among other matters, the act provided that the Directorate General for the Advancement of Young People should be raised to the status of Ministry of Youth.

60. In the Dominican Republic, 60 per cent of the population was under 35 years of age. Consequently, there was a young person in a decision-making position in each Ministry. The Legal Adviser to the President, which was the fourth most important position in the country, was only 33 years of age.

61. The police reform had not been accomplished; however, the Government had commenced the process to strengthen the police force and, in cooperation with the Office of the Attorney-General and the National Directorate of Prisons, special technical, educational and psychological training was being provided to police officers who worked with children or in juvenile detention centres. The first group of special police had graduated in December 2000.

62. Ms. SANTANA (Dominican Republic) said that the figures in the report on young offenders in detention centres had been provided by the Legal Statistics Office and were very

general; more specific information was now available. Nationwide, 605 young offenders were detained: 26 girls and 579 boys. There were two detention centres where young offenders could be interned for a maximum of two years for serious offences such as homicide or the sale of drugs - the Maximo Antonio Alvarez de la Vega Institute, which received those whose sentences were final, and the Juvenile Preparatory Institute in San Cristobal, both of which had training workshops - together they currently housed 234 inmates. The Institute for Girls was the only segregated centre for girls and had a population of 26; there were 42 minors in the Children's Evaluation and Reference Centre, and 303 in the children's wing of the central prison; however, a separate detention centre was under construction.

63. Based on reports prepared by the social worker, the psychologist and a teacher, the judge made a provisional decision on the assumption that the offender was a minor. Further studies were then conducted to determine the real age of the offender (pelvic measurements, dental examination) before the final judgement was pronounced. While a child was in detention, the judge could review the sentence in the light of reports received from the social workers and the psychologists at the centre.

64. Judges received continuous training at the special school for judges. Prior to being appointed to juvenile cases on the basis of the curriculum, examinations and special training, judges were evaluated during one year. Juvenile judges sat in five courts and four more courts were being established, so that there would be one for each of the nine judicial departments.

65. Children were guaranteed legal aid for their defence and could appeal the decision of a trial court.

66. Social workers formed part of technical teams of about three professionals, who worked part-time with the detention centres, because the budget was insufficient to ensure their services on a full-time basis.

67. The courts for children and adolescents heard not only cases of juvenile offenders, but also those involving custody disputes and challenges against adoption procedures. In her duties as a judge, she had twice in the past two years issued orders to prevent the enforcement of decisions which could have been prejudicial to the best interests of the child. Alternative sentencing existed in the form of a probation system. Any costs involved must be seen as an investment, as they would serve to help safeguard the life and assets of members of society in the future.

68. In a departure from past practice, the courts now sought a child's opinion concerning custody in divorce cases. A judge was assigned to interview the child away from the formal courtroom environment.

69. Ms. JOA (Dominican Republic) said that two assessments had been conducted of the Ten-Year Education Plan which was to end in 2002, one with the support of the Inter-American Development Bank and the World Bank, and another with assistance from the United States Agency for International Development. While many initiatives had begun in 1992, some had been successful while others had stagnated. For example, it was necessary to reactivate the

parents' associations, which had ceased to function. The Government was moving towards the adoption of a new strategic plan for education, and was counting on assistance from various international bodies, including the European Commission.

70. The Government had emphasized primary education more than the other levels, and had taken out three loans from the World Bank to improve that sector. It would attempt in the coming four years to provide pre-school education to the 70 per cent of children who were not receiving it and to organize informal pre-school services for children from the age of three or four. Discussions were currently under way with a view to organizing pre-school centres on the model of a system already in use for the children of employees of the Dominican Social Security Institute.

71. While sex education had been a matter of controversy in the past, the Government and the Catholic church had come to an agreement making it possible for the subject to be taught in schools. The gender perspective had been introduced into school textbooks. School enrolment was indeed higher in urban areas than in the countryside, but a project to improve rural education was under way. Thanks to a substantial donation from the private sector, 90 virtual classrooms would be set up, with Internet access, air-conditioning and 10 computers each, to provide services in isolated and mountain areas. Computers were currently provided for secondary schools and would, with international assistance, soon be extended to primary schools.

72. It was not certain that the high number of children reportedly not attending school were drop-outs. As overall enrolment was rising with each year, the statistics might also reflect a trend of migration from one city or district to another. With the assistance of the Inter-American Development Bank, the Government was planning in March 2001 to set up a national registry of students, which should help shed light on the problem. An effort would be made to cross-check information from the national registry and from student identification cards against data from the Central Election Board, which issued the national identity cards, in order to ascertain the percentage of students who graduated secondary school and the occupations they chose.

73. Discrimination owing to the poor state of public schools was a problem. As part of its decentralization effort, the Government was encouraging local school maintenance authorities to assume more responsibility and to seek additional funding from sources other than the State budget, which continued nonetheless to support local schools.

74. In 1997 the State Secretariat for Education and Culture (SEEC) had reoriented special education with the aim of integrating disabled students into regular schools. Such students still faced numerous obstacles, including architectural barriers, but the Government was working in a pilot project with the help of a Spanish NGO to remove such obstacles at one vocational school.

75. While many women were unaware of HIV/AIDS, the Joint United Nations Programme on HIV/AIDS (UNAIDS) and the United Nations Population Fund were carrying out reproductive health programmes with the State Secretariat for Public Health and Social Welfare, whose activities were conducted in many areas, including the *bateys*.

76. Mr. VERAS (Dominican Republic) said that efforts had been made to improve the public health infrastructure throughout the country. Various clinics had been set up in isolated and

mountain communities. Congress was currently considering a draft law on social security, and was expected to adopt it within a few months. There were too few centres for the rehabilitation of child victims of mental illness and substance abuse. Those that did offer services received support from NGOs and from Government sources.

77. Ms. RILANTONO summarized the Committee's consideration of the initial report and presented ideas for the drafting of concluding observations. The Government had shown its commitment to the rights of the child, and had taken positive steps towards the implementation of the Convention.

The meeting rose at 6 p.m.